

Incoming
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OK

From: Angela Nance
To: OGMCOAL
Date: 7/7/2010 9:46 AM
Subject: Fwd:
Attachments: Easement - Executed.pdf

Task ID #3549

>>> "Galecki, Gregg" <GGalecki@archcoal.com> 7/6/2010 2:09 PM >>>

Angela,

This is the information I was intending to use for the Right-of-Entry. Also, note that the Ark Land Company address is listed in the first paragraph.

Gregg A. Galecki
Environmental Engineer
Canyon Fuel Company, LLC
Skyline Mine
(435)448-2636

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EASEMENT

THIS EASEMENT made as of June 9, 2010, is from the **D. Euray Allred Family Trust dated October 6, 1975**, by and through Phillip E. Allred and Naomi C. Bennion, as Trustees ("Grantor"), whose address is P.O. Box 96, Fountain Green, Utah 84632, to and in favor of **Ark Land Company** ("Grantee"), whose address is One CityPlace Drive, Suite 300, St. Louis, Missouri 63141.

WHEREAS, Grantor owns certain interests in the lands in Carbon County, Utah described on **Exhibit 1** ("Easement Lands"); and

WHEREAS, the Easement Lands contain a road commonly known as the "Winter Quarters Canyon Road" ("Road") which is used to access the Leased Premises described and depicted on **Exhibit 2** ("Leased Premises"); and

WHEREAS, pursuant to that certain Lease Agreement dated June 9, 2010 ("Lease Agreement") Grantee leased from Grantor certain interests; and

WHEREAS, Grantee desires to obtain an easement from Grantor over and across the Easement Lands for the purpose accessing the Leased Premises;

WHEREAS, the beneficiaries of the D. Euray Allred Family Trust dated October 6, 1975 have consented to this Easement below;

NOW, THEREFORE, Grantor hereby, to the extent it owns an interest, grants without warranty of title to Grantee a non-exclusive right of way easement over, under and across the Easement Lands for the purpose of using, maintaining and improving the existing Road and constructing, operating and maintaining power lines in connection with Grantee's use of the Leased Premises and as provided in the Lease Agreement.

1. This Easement shall be effective from the date first set forth above and shall remain in effect for so long as Grantee, its affiliates, successors or assigns are leasing the Leased Premises, after which time this Easement shall terminate.

2. All rights and benefits of Grantee under this Easement shall be for the benefit of Grantee and its affiliates, who shall have the right to exercise any and all rights of Grantee under this Easement.

3. The rights granted without warranty of title under this Easement shall run with and burden the Easement Lands. This Easement shall be binding upon and inure to the benefit of the parties hereto, and their respective distributees, devisees, successors and assigns, provided however, that any distribution, transfer or assignment of the Easement Lands shall be made expressly subject to this Easement and shall not operate as a waiver, release, amendment or modification of any term of this Easement.

4. Grantor hereby appoints Jeannine A. Sorensen, 1595 North 1400 West, Provo, Utah 84604, as its agent ("Agent") for the purpose of receiving notices for Grantor's benefit under the terms of this Easement. Delivery of notices to the Agent shall discharge Grantee

absolutely with respect to notices required or permitted hereunder. The Agent shall be replaced as provided in Section 16 of the Lease Agreement.

5. All notices given in connection with this Easement shall be in writing and shall be deemed to have been duly given and delivered (i) on the date of delivery if personally delivered to the person identified below, (ii) three days after mailing if mailed by certified or registered mail, postage prepaid, return receipt requested, and (iii) one business day after delivery to any overnight express courier service as provided below. Any party may give notice in writing of any change of its address. The address provided in said notice will thereafter be deemed to be the address of the party for the giving of notice hereunder.

If to Grantor:

Jeannine A. Sorensen
1595 North 1400 West
Provo, Utah 84604
Telephone/Fax: (801) 377-4709

With copy to:

Phillip E. Allred
Trustee of the D. Euray Allred Family Trust
dated October 6, 1976,
P.O. Box 96
Fountain Green, UT 84632
Telephone/Fax: (435) 469-0155

And

Naomi C. Bennion
Trustee of the D. Euray Allred Family Trust
dated October 6, 1976
4494 South 4515 West
Salt Lake City, UT 84120
Telephone/Fax: (801) 967-6627

If to Grantee:

Ark Land Company
One CityPlace Drive, Suite 300
St. Louis, MO 63141
Telephone: (314) 994-2950
Fax: (314) 994-2940

With copy to:

Skyline Mine
Attn: Mine Manager
HC 35 Box 380
Helper, UT 84526
Telephone: (435) 448-2619
Fax: (435) 448-2632

6. This Easement may be executed in multiple counterparts which together shall be deemed to constitute one and the same document.

IN WITNESS WHEREOF, Grantor has caused this Easement to be duly executed as of the date first written above.

GRANTOR

D. Euray Allred Family Trust dated October 6, 1975

By: *Phillip E. Allred*
Name: Phillip E. Allred
Its: Trustee

By: *Naomi C. Bennion*
Name: Naomi C. Bennion
Its: Trustee

STATE OF UTAH)
COUNTY OF SALT LAKE) SS

On this 4 day of June, 2010, personally appeared before me Phillip E. Allred, the Trustee of the **D. Euray Allred Family Trust dated October 6, 1975**, and signer of the above Easement, who duly acknowledged to me that he executed the same on behalf of the trust.

WITNESS my hand and official seal.

Paul J. Barton
Notary Public

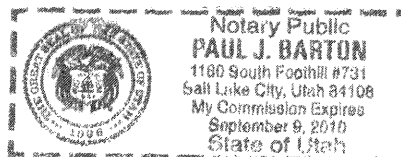
STATE OF UTAH)
COUNTY OF SALT LAKE) SS

On this 14 day of June, 2010, personally appeared before me Naomi C. Bennion, the Trustee of the **D. Euray Allred Family Trust dated October 6, 1975**, and signer of the above Easement, who duly acknowledged to me that she executed the same on behalf of the trust.


WITNESS my hand and official seal.

Paul J. Barton
Notary Public

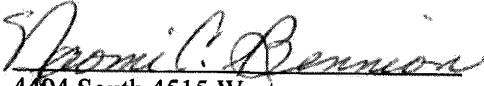
THE BENEFICIARIES of the D. Euray Allred Family Trust dated October 6, 1975, consent to this Easement agreement by signing below.



Phillip E. Allred, an individual


P.O. Box 96
Fountain Green, UT 84632
Telephone/Fax: (435) 469-0155

Naomi C. Bennion, an individual


4494 South 4515 West
Salt Lake City, UT 84120
Telephone/Fax: (801) 967-6627

Jeannine A. Sorensen, an individual

Address: 1595 North 1400 West
Provo, UT 84604
Telephone/Fax: (801) 377-4709

Bryan E. Allred, an individual

Address: P.O. Box 116
Fountain Green, UT 84632
Telephone/Fax: (435) 445-3528

Celes Erickson, an individual

Address: 908 East Spokane
Ellensburg, WA 98929
Telephone/Fax: (509) 925-3657

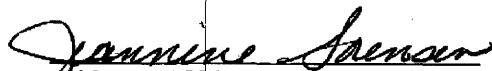
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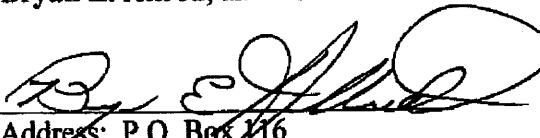
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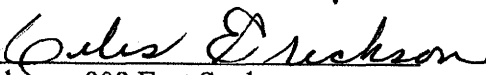
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**Exhibit 1
to
Easement**

EASEMENT LANDS

A road easement consisting of a traveling road surface of 30 feet in width (15 feet on each side of the centerline of the existing road) together with so much additional contiguous land as is reasonably necessary to construct and operate the road beginning at the gate at the entrance to Grantor's property to the Leased Promises and insofar as the road covers and relates to portions of the following lands in Carbon County, Utah located north of the center line of Winter Quarters Canyon Creek:

Township 13 South, Range 6 East
Section 1: S/2NE/4

Township 13 South, Range 7 East
Section 6: S/2N/2

Excluding the Leased Premises, as defined in this Easement.

**Exhibit 2
to
Easement**

LEASED PREMISES

Beginning at a point located at the center line of Winter Quarters Canyon Creek which is 2,260 feet South and 1,402 feet West from the northeast corner of Section 1, Township 13 South, Range 6 East, Salt Lake Base & Meridian; thence North 246 feet; thence West 1,651 feet; thence South 475 feet to the center line of Winter Quarters Canyon Creek; thence Easterly approximately 1,664 feet along the center line of Winter Quarters Canyon Creek to the Point of Beginning; having an area of approximately 12.73 acres.

